



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,553	06/07/2000	Jean-Marie Freyssinet	P101614-00003	9167

7590 10/17/2002

Arent Fox Kintner Plotkin & Kahn PLLC
Suite 600
1050 Connecticut Avenue NW
Washington, DC 20036-5339

[REDACTED] EXAMINER

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

DATE MAILED: 10/17/2002 *15*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
09/588,553

Applicant(s)

FREYSSINET et al.

Examiner

James L. Grun, Ph.D.

Art Unit

1641



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The Appeal Brief filed on 28 Jun 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. A single ground of rejection has been applied to two or more claims in this application, and
 - (a) the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. Other (including any explanation in support of the above items):

Three complete copies of the brief were not provided as required. Further explanations for items checked above: Item 1--additional sections are presented so that the headings are not proper or in order as required; Items 5 and 7 -- appellant mistook the statement regarding obviation of prior antecedent basis issues as withdrawal of entire 35 USC 112, 2nd paragraph, rejections which is clearly not the case as issues under 35 USC 112, 2nd paragraph, regarding the clarity of component interrelationships were not obviated as set forth in the advisory action; Item 8--claim 40 refers to a step "A" which was never present (and the examiner now notes the lack of step headings for any steps of claim 36 as now amended).

**CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800-1641**